



U.S. Department
of Transportation

**Federal Aviation
Administration**

800 Independence Ave., S.W.
Washington, D.C. 20591

May 5, 2003

Exemption No. 8044

Regulatory Docket No. FAA-2003-14879

Mr. Peku Karu
Director of Operations
Xtrajet, Inc.
14014 Northwest Passage
Marina Del Rey, CA 90292

Dear Mr. Karu:

By letter dated April 3, 2003, you petitioned the Federal Aviation Administration (FAA) on behalf of Xtrajet, Inc. (Xtrajet), for an exemption from § 135.152(b)(3) of Title 14, Code of Federal Regulations (14 CFR). The proposed exemption, if granted, would permit Xtrajet to operate its 1973 Gulfstream G-1159 airplane (G-1159) (registration No. N628HC) under part 135 without the airplane being equipped with an approved digital flight data recorder (DFDR). The FAA notes that while you requested an exemption from § 135.152(b)(3), Xtrajet requires relief from § 135.152(a) because the G-1159 has a maximum passenger seating configuration of 19 seats.

The FAA issued a grant of exemption in circumstances similar in all material respects to those presented in your petition. In Grant of Exemption No. 6712, as amended (copy enclosed), the FAA noted that operators were twice given the opportunity to request that an aircraft be excepted from the DFDR requirements. The FAA asked operators to inform it of the affected models and indicate the reasons why the aircraft should be excepted. The FAA determined that the material submitted by the petitioner in its exemption request would support excepting the aircraft model specified in the petition from the DFDR requirements. The FAA found that the proposed exemption would provide a level of safety equivalent to that provided by the regulation and would be in the public interest. The FAA determined that the petitioner had shown a need for the use of its aircraft until a full exception to the rule could be accomplished. Therefore, the FAA granted relief to the petitioner for a limited time until the FAA could consider amending § 135.152(k) to include the aircraft model specified in the petition as an excepted aircraft.

AFS-03-359-E

Having reviewed your reasons for requesting an exemption, I find that they do not differ materially from those presented by the petitioner in the enclosed grant of exemption. In addition, I have determined that the reasons stated by the FAA for granting the enclosed exemption also apply to the situation you present.

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701 delegated to me by the Administrator, Xtrajet, Inc., is granted an exemption from 14 CFR § 135.152(a) to operate its G-1159 (registration No. N628HC) under part 135 without the airplane being equipped with an approved DFDR.

Please note that in an effort to allow the public to participate in tracking the FAA's rulemaking activities, we have transitioned to the Department of Transportation's online Docket Management System (DMS) at <http://dms.dot.gov>. This new docket system enables interested persons to submit requests to, view requests on, and download requests from the DMS to comply with 14 CFR § 11.63. Please submit future requests through the DMS.

This exemption terminates on May 31, 2005, unless sooner superseded or rescinded.

Sincerely,

/s/ Steven W. Douglas
Acting Director, Flight Standards Service

Enclosure